

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ANDERSON LEE FERNANDERS,

Plaintiff,

CIVIL ACTION NO. 09-12933

v.

DISTRICT JUDGE JOHN FEIKENS

MICHIGAN DEPARTMENT OF
COMMUNITY HEALTH,

MAGISTRATE JUDGE DONALD A. SCHEER

Defendant.

_____ /

ORDER DENYING MOTION TO RECUSE
MAGISTRATE JUDGE

This matter is before the magistrate judge on Order of Reference for All Pretrial Proceedings. Defendant filed a Motion to Dismiss the Complaint on September 29, 2009. Plaintiff filed his Response on October 2, 2009, and Defendant's Reply Brief was filed on October 9, 2009. On October 30, 2009, I issued a Report and Recommendation that the Complaint be dismissed due to Plaintiff's failure to demonstrate exhaustion of his administrative remedies. Plaintiff filed his Objection on November 2, 2009, appending thereto a copy of his right to sue letter. Defendant's Response to Plaintiff's Objection was filed on November 9, 2009.

In an Order of November 23, 2009, the district judge accepted Plaintiff's belated submission of his right to sue letter, and remanded six counts of the Complaint to the magistrate judge for consideration on the merits. A seventh count (whistleblower claim) was dismissed in accordance with my recommendation.

On November 30, 2009, Plaintiff filed the instant Motion for Recusal of the Magistrate Judge. The Motion alleges personal bias and prejudice against Plaintiff, as well as deception, manipulation and fraud.

Having reviewed Plaintiff's Motion, I find that it has no support in fact or law. Accordingly, Plaintiff's Motion for Recusal of Magistrate Judge is in all respects denied.

s/Donald A. Scheer
DONALD A. SCHEER
UNITED STATES MAGISTRATE JUDGE

DATED: February 3, 2010

CERTIFICATE OF SERVICE

I hereby certify on February 3, 2010 that I electronically filed the foregoing paper with the Clerk of the Court sending notification of such filing to all counsel registered electronically. I hereby certify that a copy of this paper was mailed to the following non-registered ECF participants on February 3, 2010: **Anderson Lee Fernanders**

s/Michael E. Lang
Deputy Clerk to
Magistrate Judge Donald A. Scheer
(313) 234-5217